

Cordi v Aegis Capital Corp.
2020 NY Slip Op 31923(U)
June 18, 2020
Supreme Court, New York County
Docket Number: 650918/2020
Judge: Eileen A. Rakower
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At IAS Part 6 of the Supreme Court of the State of New York, held in and for the County of New York, at the Supreme Court, 60 Centre Street, New York, New York, on the 18th day of June, 2020.

PRESENT:

HON: Eileen A. Rakower
Justice.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

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JOSEPH ANTHONY CORDI,
Petitioner,

Index No. 650918/2020

v.

AEGIS CAPITAL CORP.,

Respondent.

DECISION AND ORDER

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Petitioner Joseph Anthony Cordi (“Petitioner” or “Mr. Cordi”), by his attorneys, Wetzl Kakos Gerbi Wolinetz Volynsky LLP, has duly applied for an Order pursuant to CPLR § 7510 to confirm the arbitrator’s Award in an arbitration before the Financial Industry Regulatory Authority (“FINRA”), captioned Joseph Anthony Cordi v. Aegis Capital Corp., FINRA Case Number 19-01408, before the FINRA Office of Dispute Resolution (the “Arbitration”).

Upon reading and filing the following papers submitted to the Court, including the Petition to Confirm an Arbitration Award Pursuant to CPLR § 7510, the Affirmation of Irwin

Weltz, Esq., with Exhibits A and B annexed thereto, which include a true and correct copy of the arbitrator's Award recommending expungement of the underlying occurrences from Petitioner Joseph Anthony Cordi's Central Registration Depository ("CRD") and FINRA's letter, dated January 21, 2020, waiving the obligation under FINRA Rule 2080 to name FINRA as a party in this proceeding and said application having regularly come on to be heard, and after due deliberation having been had thereon,

NOW, upon the application of Weltz Kakos Gerbi Wolinetz Volynsky LLP, attorneys for Petitioner, it is hereby

ORDERED and ADJUDGED that the Petition is hereby granted solely to that portion of the arbitrator's Award in the Arbitration recommending expungement, and is confirmed consistent with the below:

After considering the pleadings, the testimony and evidence presented at the hearing, and the post-hearing submissions, the Arbitrator has decided in full and final resolution of the issues submitted for determination as follows:

1. The Arbitrator recommends the expungement of all references to Occurrence Number 690992 from registration records maintained by the Central Registration Depository ("CRD"), for Claimant Joseph Anthony Cordi (CRD# 1397664), with the understanding that, pursuant to Notice to Members 04-16, Claimant Joseph Anthony Cordi must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive.

Unless specifically waived in writing by FINRA, parties seeking judicial confirmation of an arbitration award containing expungement relief must name FINRA as an additional party and serve FINRA with all appropriate documents.

Pursuant to Rule 13805 of the Code, the Arbitrator has made the following Rule 2080 affirmative finding of fact:

The claim, allegation, or information is false.

The Arbitrator has made the above Rule 2080 finding based on the following reasons:

The customer's complaint regarding the Claimant's actions is false. Claimant testified credibly under oath and presented evidence concerning the sophistication of the complainant and the suitability of the investments Claimant recommended.

2. The Arbitrator recommends the expungement of all references to Occurrence Number 1050880 from registration records maintained by the Central Registration Depository ("CRD"), for Claimant Joseph Anthony Cordi (CRD# 1397664), with the understanding that, pursuant to Notice to Members 04-16, Claimant Joseph Anthony Cordi must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive.

Unless specifically waived in writing by FINRA, parties seeking judicial confirmation of an arbitration award containing expungement relief must name FINRA as an additional party and serve FINRA with all appropriate documents.

Pursuant to Rule 13805 of the Code, the Arbitrator has made the following Rule 2080 affirmative finding of fact:

The claim, allegation, or information is false.

The Arbitrator has made the above Rule 2080 finding based on the following reasons:

The customers' complaint regarding Claimant's involvement is false. Claimant was not the lead Financial Advisor on their account. The complaint against Claimant had demonstrably incorrect information; the complaint against Mr. Cordi was withdrawn.

It is further ORDERED and ADJUDGED that the Award is confirmed and that all references to Occurrence Numbers 690992 and 1050880 be expunged from the FINRA CRD records of Joseph Anthony Cordi (CRD# 1397664).

Enter,

,J.S.C.

Cordi v. Aegis Capital Corp.
650918/2020

Dated: June 18, 2020

ENTER: 
J.S.C.

HON. EILEEN A. RAKOWER

Check one: **FINAL DISPOSITION** **NON-FINAL DISPOSITION**